

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, FEBRUARY 22, 2001  
8:15 A.M.**

Commissioners Present: Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins

Commissioners Absent: Kathy Campbell, Chair  
Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
FEBRUARY 15, 2001**

**MOTION:** Hudkins moved and Heier seconded approval of the Staff Meeting minutes of February 15, 2001. Heier, Hudkins and Workman voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Report on 911/Emergency Communications Phone Lines
- B. Governmental Property Not Used for Governmental Purposes

**MOTION:** Hudkins moved and Heier seconded approval of the additions to the agenda. Heier, Hudkins and Workman voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

- C. 150' Entry Corridors

**MOTION:** Heier moved and Hudkins seconded to add the item to the agenda. Heier, Hudkins and Workman voted aye. Motion carried.

## A. Report on 911/Emergency Communications Phone Lines

Workman reported the following:

- O Alltel Communications will reassign 911/Emergency Communications phone numbers to another cable and will investigate adding a second cable entry point
- O Lincoln Police Department is purchasing a repeater phone system and may add cellular phones
- O Highlands Substation will be operational in six months

### 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O Senator Bromm has prioritized LB 827 (provides for the sale or lease of dark fiber by governmental entities).

**MOTION:** Hudkins moved and Heier seconded to oppose LB 827, at this time, and to request a briefing by Lincoln Electric System (LES) representatives at the March 1<sup>st</sup> Staff Meeting. Heier, Hudkins and Workman voted aye. Motion carried.

- O Appropriations Committee and Health Committee continue to meet in joint sessions to determine the distribution of the Health Trust Fund. He said \$1.5 million is proposed for emergency protective custody, which will help with LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services).
- O Government Committee will hear LB 704 (changes Nebraska State Capital Environs District specifications) and Judiciary Committee will hear LB 517 (changes provisions governing in forma pauperis proceedings) on February 23<sup>rd</sup>.

**MOTION:** Hudkins moved and Heier seconded to authorize Mike Thew, Chief Deputy County Attorney, to testify on LB 517 and to offer an amendment with clarifying language. Heier, Hudkins and Workman voted aye. Motion carried.

- O Transportation Committee will hear LB 447 (provides for acquisition of country roads through arbitration) on Monday, February 26<sup>th</sup>.

The Board directed Kissel to submit a letter from the County Board opposing the bill at the legislative hearing.

- O Revenue Committee will hear the Inheritance Tax bills - LB 28 (changes an exemption amount subject to inheritance tax and creates the County Inheritance Tax Replacement Fund), LB 266 (provides termination dates for the inheritance, estate, and generation-skipping transfer taxes) and LB 725 (changes the distribution of estate tax revenue and changes the exempt amount for inheritance tax purposes) on Wednesday, February 28<sup>th</sup>.

**MOTION:** Hudkins moved and Heier seconded to authorize the County Attorney's Office, in conjunction with Dave Kroeker, Budget and Fiscal Officer, to testify in opposition to the Inheritance Tax bills. Heier, Hudkins and Workman voted aye. Motion carried.

- O Health Committee plans to prioritize LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act). Governor Johanns has indicated a willingness to negotiate on the language to give the counties more spending flexibility. There is also a commitment to work to relieve juvenile boarding costs so that funds can be directed towards community based programs.
- O Government Committee has prioritized LB 142 (authorizes creation of municipal counties).
- O Senator Raikes will ask that LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) be made a Speaker priority bill.
- O LB 616 (authorizes road maintenance agreements between counties, cities and villages) will likely be placed on the Consent Calendar.

**4 COUNTY BOARD AND HUMAN SERVICES SPACE NEEDS** - Don Killeen, County Property Manager; Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, said she would prefer that her department, which will include the Grants Administrator, remain in the County-City Building in close proximity to the County Board and the Budget and Fiscal Officer. She noted that her work on the Justice Council also necessitates frequent contact with the Juvenile Court and Probation Offices which are located next door in the Justice and Law Enforcement Center. Boesch said the most optimum space would be directly across the hall from the County Commissioners Office or in the conference room area on the north side of the first floor.

Don Killeen, County Property Manager, said the Personnel Department is also seeking to combine all of its offices, with the exception of Risk Management, on the first floor. He said this would open up some space on the second floor which could serve as additional space for the Public Defender's Office and be used for relocation of the County Assessor's Personal Property Division. Killeen said there is also office space available in the Old Federal Building, the former Police Station and Trabert Hall.

Board consensus to defer further discussion of space needs until the Mid-Year Budget Review.

### **ADDITIONS TO THE AGENDA**

B. Governmental Property Not Used for Governmental Purposes

**MOTION:** Hudkins moved and Heier seconded to request a County Attorney's opinion as to whether the Lancaster County Agricultural Society Events Center is a government purpose, which exempts it from property taxes. Heier, Hudkins and Workman voted aye. Motion carried.

#### **5 TRAFFIC LIGHT ON NORTH 148<sup>TH</sup> STREET AND CASTLEWOOD - Don Thomas, County Engineer**

Don Thomas, County Engineer, said residents of Evandale Estates in Waverly have requested installation of a traffic light, with a crosswalk button, on 148<sup>th</sup> Street and Castlewood to serve their subdivision and the elementary school (see plat map, Exhibit B). This will require a traffic engineering study. Thomas said the decision will need to be made by the City of Waverly, as the area in question is within its city limits, but said his department would like to see the traffic study results to assess impact to county traffic.

### **ADDITIONS TO THE AGENDA**

C. 150' Entry Corridors

Hudkins said the Lancaster County Farm Bureau informed him that the City has asked for an additional 150' of right-of-way on the entrances into Lincoln for purposes of beautification.

Mike DeKalb, Planning Department, appeared and said the proposal is the result of a request by City Councilman Fortenberry, two years ago, to look at entranceways into the city. The intent is to create an overlay district, with a package of additional conditions. The additional right-of-way would be divided into three 50' increments to allow for prairie landscaping, certain improvements and buildings that meet specific design standards. He noted that interstate signs are also a part of the discussion and said the proposal is still a work in progress. DeKalb said he and Ed Zimmer, lead planner on the proposal, plan to meet with members of the Mayor's Entry Way Corridor Committee and representatives of the business community later in the day to discuss the proposal. It is anticipated that a draft proposal will be completed in six weeks.

Hudkins expressed concern that farmers within the City's three-mile zoning jurisdiction could be impacted.

**MOTION:** Heier moved and Hudkins seconded to authorize Mike DeKalb, Planning Department, to express the County Board's concerns regarding the proposed 150' entry corridors into Lincoln to the Mayor's Entry Way Corridor Committee and to suggest that an agricultural representative be named to the committee and propose that Bryce Neidig, Lancaster County Farm Bureau, serve in this capacity. Heier, Hudkins and Workman voted aye. Motion carried.

**6 ZONING REGULATION TEXT CHANGE FOR FIBER OPTICS - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, reviewed County Change of Zone 203, a request from POWER Engineers, Inc. for a text amendment to Articles 4.003 and 5.003 of the Lancaster County Zoning Resolution to add cable and fiber optic communication distribution systems as a permitted use in the Agricultural (AG) and Agricultural Residential (AGR) Districts (Exhibit C).

Hudkins said he would prefer a special permit process, as it provides an opportunity for public input.

DeKalb said the special permit process may be appropriate for large, above ground facilities.

Heier questioned the benefit of allowing such a use and said further clarification of exemptions is needed.

The Board suggested consultation with Dave Johnson, Deputy County Attorney, to see how the proposed text amendment would fit with the Model Telecommunications Ordinance.

**7 PENDING LITIGATION - Doug Cyr and Dave Johnson, Deputy County Attorneys**

Doug Cyr, Deputy County Attorney, reported on a tort claim filed by William Hulka and Laverna Warner against Lancaster County (Exhibit D). He explained that a vehicle attempting to allude pursuit by a Lancaster County Sheriff Department cruiser had collided with their parked automobile. Cyr said he learned that a Lincoln Police Department cruiser was also involved in the pursuit and the City has agreed to split the cost of settling the claim (\$4,600).

**RETURNING TO ITEM 2A**

Doug Ahlberg, Emergency Management Director, appeared and reported on a meeting held with representatives of Alltel Communications to discuss the recent failure of the Centrex phone system and ways to prevent a similar situation from occurring in the future. He said options discussed included:

- Establishment of a temporary bank of phones in the Lincoln Police Department's 27<sup>th</sup> Street Substation
- Utilization of the Highlands Substation
- Distribution of the 911/Emergency Communications trunking system and other critical network elements of the existing cable system within the building
- Moving lines within the trunk system to add redundancy
- Running a copper cable diversion route, in addition to fiber optic lines

Ahlberg said associated costs have not been discussed, to date.

**RETURNING TO ITEM 7**

**MOTION:** Heier moved and Hudkins seconded to enter Executive Session at 10:23 a.m. for discussion of pending litigation. Heier, Hudkins and Workman voted aye. Motion carried.

**MOTION:** Hudkins moved and Heier seconded to exit Executive Session at 10:38 a.m. Hudkins, Heier and Workman. Motion carried.

**ADDITIONS TO THE AGENDA**

D. Report on a Jail Incidence

**MOTION:** Heier moved and Hudkins seconded to add the item to the agenda. Heier, Hudkins and Workman voted aye. Motion carried.

Mike Thurber, Corrections Director, reported that an inmate fell and suffered a broken ankle on February 19<sup>th</sup> attempting to retrieve another inmate's shoe that had been tossed up on a ledge in the general population yard.

**8 ARRAY FOR AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (AFSCME) NEGOTIATIONS AND REQUEST FOR PROPOSALS (RFP) FOR BENEFITS CONSULTANT -**  
Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Bill Kostner, City Risk Manager; Diane Staab, Deputy County Attorney

Request for Proposals (RFP) for Benefits Consultant

Georgia Glass, Personnel Director, said the City's one year, renewable contract with Marsh, Inc. for benefits consultant expires May, 2001 and the City plans to solicit Requests for Proposals (RFP) for this service. She asked whether the County would like to participate in this process, noting that the County's three year contract with Marsh, Inc. will not expire until May, 2002, although there is a 60 release clause.

Hudkins said future contracts should be harmonized with the City.

**MOTION:** Hudkins moved and Heier seconded to authorize Diane Staab, Deputy County Attorney, in conjunction with the Personnel Department, to review whether or not the County can participate in a Request for Proposal (RFP) for the benefits consultant and can exercise the 60 release clause in the contract with Marsh, Inc. Heier, Hudkins and Workman voted aye. Motion carried.

Array for American Federation of State, County & Municipal Employees (AFSCME) Negotiations

Glass said the American Federation of State, County & Municipal Employees (AFSCME) has requested the inclusion of Dane County, Wisconsin (includes Madison) in the County's salary survey array. The seven counties currently participating are Douglas County, Nebraska (includes Omaha), Polk County, Iowa (includes Des Moines), Sedgwick County, Kansas (includes Wichita), Shawnee County, Kansas (includes Topeka), Wyandotte County, Kansas (includes Kansas City), Scott County, Iowa (includes Davenport) and Linn County, Iowa (includes Cedar Rapids). She said AFSCME had suggested that one county could be dropped from the list at a later date. Glass said she believes Dane County is too distant and that its inclusion would undermine last year's process of reviewing and matching job descriptions.

Hudkins said AFSCME is seeking matches for food service and laundry positions at Lancaster Manor.

Glass said the array only provided one match for these positions.

Diane Staab, Deputy County Attorney, said local matches can be made for the nurses' aide positions. The salaries for food service workers could be tied in on a percentage basis.

Glass added that local match for food service and laundry workers could be made with hospitals and hotels.

John Cripe, Classification and Pay Manager, said information is also obtained from the State Survey which includes nursing homes in Omaha and Lincoln and said Lancaster Manor's salaries for Nursing Assistant I's and II's are extremely competitive. He added that some positions are unique to Lancaster Manor and the County has offered to benchmark these jobs against the market.

**MOTION:** Hudkins moved and Heier seconded to maintain the current array and to conduct a local survey for Lancaster Manor. Heier, Hudkins and Workman voted aye. Motion carried.

Hudkins asked the Personnel Department to advise the County Board on institution of a policy that would require any new tractors that are purchased for the County to have cabs and roll-over protection.

Cripe said discussion of this issue should take place in Executive Session.

Glass asked whether the County Board wants the purchase of equipment to be part of negotiations.

Hudkins said he believes that is the only way it will get done.

Glass suggested that an Executive Session be scheduled on a Staff Meeting agenda to allow for discussion of items that will be part of labor negotiations.

## **9 ACTION ITEMS**

- A. Authorize Gary Lacey, County Attorney, to Serve as the Official County Representative to Undertake Drug Court Program

**MOTION:** Hudkins moved and Heier seconded approval. Heier, Hudkins and Workman voted aye. Motion carried.

## 10 CONSENT ITEMS

- A. Letter from Roger Figard, Railroad Transportation Safety District (RTSD) Executive Director, Requesting Comments for Environmental Impact Statement Regarding 3<sup>rd</sup> and "A" Street Grade Separation

Board consensus to refrain from comment, at this time.

- B. Request from Dean Settle, Community Mental Health Center Director, for Paid Administrative Leave to Attend Council for Accreditation for Rehabilitation Facilities (CARF) Survey in Sallisaw, Oklahoma and CARF Annual Training Conference in Tucson, Arizona (March 1-5, 2001)

**MOTION:** Hudkins moved and Heier seconded to approve the leave request, but to ask Dean Settle, Community Mental Health Center Director, to provide information regarding future commitments. Hudkins, Heier and Workman voted aye. Motion carried.

- C. Request from Mike Thurber, Corrections Director, to Attend Nebraska Jail Standards Administrative Training Symposium in Hastings, Nebraska, February 26-27, 2001

**MOTION:** Heier moved and Hudkins seconded approval. Heier, Hudkins and Workman voted aye. Motion carried.

### D. Microcomputer Requests:

1. Community Mental Health Center, C#2001-068, \$2,055.68 from Mental Health Grant Budget for 8 Palm Pilots
2. Lancaster Manor, C#2001-069, \$2,135.40 from Lancaster Manor Budget for Compaq Pentium III, Monitor and Tapes
3. Lancaster Manor, C#2001-070, \$2,380.63 from Lancaster Manor Budget for Compaq EN 933 MHz, 19" Monitor and Tapes

**MOTION:** Heier moved and Hudkins seconded approval. Hudkins, Heier and Workman voted aye. Motion carried.

## 11 ADMINISTRATIVE OFFICER REPORT

- A. Staff Meeting for Tuesday, March 6, 2001

The meeting was scheduled for 10:30 a.m. in Conference Room 113.

B. Homestead Heritage Trail Meeting on February 23, 2001

Eagan said Dave Johnson, Deputy County Attorney, will represent Lancaster County at the informational meeting.

**12 DISCUSSION OF BOARD MEMBER MEETINGS**

A. District Energy Corporation - Heier, Hudkins

Hudkins reported that the new megaplex project on "P" Street may be a candidate for a District Energy project. He said Lincoln Electric System (LES), 1040 "O" Street, and Gold's Galleria, 1033 "O" Street, will also be asked to participate.

Eagan said the Y.M.C.A., 1039 "P" Street, may also wish to participate in the project.

**13 ADJOURNMENT**

By direction of the Vice Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk